

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE

MEETING THREE - NOTES & SUMMARY

9:30am-4:30 pm, December 6, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: John Adelman, Jeff Austin, Paula Clark, Peggy Daigle, Steve Dyer, Gloria Fredrick, Chris Hall, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Fergus Lea, Lee Leiner, William Lippincott, Greg Louder, George MacDonald, Jeff McGown, Don Meagher, Troy Moon (for Mike Bobinsky), Sam Morris, Stefan Pakulski, Peter Prata, Melissa Labbe (for Kevin Roche), Laura Sanborn, Ron Smalley, Filomena Troiano, Paul Therrien, Sarah Wojcoski.

Members of the Public Present: Matt Arnett, Marnie Bottesch, Jody Harris, Lesley Jones, David Littell, Mark St. Germain, Sylvia St. Pierre, Craig Worth, Sam Zaitlin.

Facilitators: Jeff Edelstein, Ona Ferguson.

Welcome

Sue Inches of the State Planning Office welcomed all participants and told the group that the SPO would be planning one final shorter meeting of the Task Force later in the winter to review SPO findings from the group's work and SPO's recommendations to the Natural Resources Committee.

The Task Force spent most of the day in 3 concurrent breakout groups addressing the following range of issues:

- Host communities
- Local communities
- Abutters
- Host agreement negotiation process
- Managing waste:
 - Construction and Demolition Debris
 - Material Bans
 - Beneficial Reuse
 - Recycling
- Public Education
- Regional Approaches
- Other

Notes from those breakout groups are captured here.

HOST COMMUNITIES

Key themes:

- Some feel that host communities would benefit from more specificity in statute and a broader list of impacts, while others feel that having flexibility is of benefit to the host communities.
- Having a framework that guides the process, but allows for flexibility, could have some benefit.

HOST COMMUNITIES	
Issues	Solutions
<p>Agreement terms:</p> <ul style="list-style-type: none"> • Current compensation deals are based too much on landfills' goodwill rather than on quantifiable details of each landfill. • What in particular is the compensation for? • There is benefit to keeping the negotiations flexible. • Host communities often want to be recognized for bearing the burden for the region; they want other users to help with the costs of the impacts • Current minimum required benefits are too low. • There needs to be state-level guidance on local communities' negotiations that aren't based on "soft" terms like "good faith," rather it should give some indication of what might be appropriate baselines or formulas. • State-owned facilities create a different dynamic for host communities than commercial facilities, in that the state both owns the facility and enforces regulations on the facility. 	<p>Agreement terms:</p> <ul style="list-style-type: none"> • The state statute should lay out parameters for reasonable amounts that will be the baseline for the content of a negotiation, for example: if the facility is X size, and will take in Y tons, the negotiation should begin at the \$Z level of compensation. • For statutorily defined compensation, the amount of compensation should be quantifiably related to the impact, like an impact fee that municipalities can assess. (Concern expressed: One size does not fit all; each municipality is different). • Statute should provide more specifics and should include a broader range of impacts to be considered, including costs for review of expansions, inspections, monitoring and similar ongoing expenses. • Add to the list of impacts by surveying current host communities, and expand the list of impacts (fire department, roads, schools, visual changes, environmental impact, emergency preparedness requirements, administrative costs like code enforcement, or revenues to be used at their own discretion). • Host community benefit requirements should be same regardless of type of owner, i.e., commercial vs. state or municipality. • For publicly-owned facilities, payment in lieu of taxes should be required. • Host community agreements should include provisions for dispute resolution.
<ul style="list-style-type: none"> • Should towns be required to use the compensation to make the improvements needed to address the impacts (currently, towns can use the money for whatever they want)? 	<p>Some felt that towns should be required to do such while others felt the town should decide (by elected officials).</p>

<ul style="list-style-type: none"> • Can host community benefits be used to address the impact of local environmental issues? • Can communities prohibit certain types of waste (i.e. particularly offensive wastes)? 	
<ul style="list-style-type: none"> • What about host benefits for recycling processing centers? 	

LOCAL (OTHER) COMMUNITIES

Issues	Solutions
<ul style="list-style-type: none"> • Need to rethink what is the “impacted” community; impacts go beyond the host community • It is a challenge to determine which communities count and should be included. • Economics must be considered (the facility probably can’t be required to pay every community or running a facility may not be economically feasible). 	<ul style="list-style-type: none"> • Statute and or rules should articulate how to decide which communities to include. Clarify, for example, if towns on the haul route get included or not, or towns on the entrance route, or abutting towns. • Conduct an environmental impact study to identify the range and extend of impacts, or create guidelines/limitations to extent of study (concern that traffic impacts, for example, for West Old Town, range as far as Augusta), or implement a stratified impact fee; the further the distance from the facility, the less the amount of benefits paid. • Ask current local communities what uncompensated impacts they feel, then the state can frame new legislation to address those issues in the future

ABUTTERS

Issues	Solutions
<ul style="list-style-type: none"> • There needs to be recognition of impacts to abutters; especially to people who already live in the area where the facility is to be sited (vs. those who move in after the facility is already there). • Concern that some municipalities disregard abutters when negotiating host benefits. • Need better education of residents/abutters. 	<ul style="list-style-type: none"> • Abutters should be compensated. • Abutters should have a say in the negotiation of the host benefit. • This should be the decision of municipality (whether to compensate abutters). • Statute should either require that the developer/facility owner negotiate with abutters or should require the town to include abutters in their negotiation process. • In list of provisions in host community agreements, 38 MRSA §1310-N(9)B., could add “Neighborhood benefits” as 5th item. <p>Concerns expressed:</p> <ul style="list-style-type: none"> • Concerns about adding requirements to what a town must do. • What about abutters located in an adjacent municipality? Where do you draw the line for abutters (how far from the

NEGOTIATION PROCESS

Issues	Solutions
<ul style="list-style-type: none"> • In Hamden, there is unequal negotiation because the community cannot say “no.” • It seems wrong that municipalities are not allowed to have stricter standards than the state. • The current statute requires reimbursement to communities for the actual cost of impacts, but this is not easy to quantify. • Local preemption such as this is rare. Can a municipality negotiate with the facility for stricter standards than permitted by state law? • Who is the owner under the hybrid model (i.e. state-owned, privately-operated); who is accountable for the maintenance of the agreement? 	<ul style="list-style-type: none"> • It should be required that an agreement is reached prior to issuance of the license (which should then be released in a timely fashion). • In the case of a stalemate, the negotiations should be put to mediation or arbitration. • As part of the negotiation process research should be done on host community benefits in other situations. • The host community should be provided with an independent negotiator so that it can participate “on par” with the developer. The negotiator should be provided by/paid for by the state. • Host community reimbursement for negotiating expenses should be increased beyond the current \$50K, which is insufficient. • New hosts should develop a list of potential impacts and a proposal to bring to the negotiation. • An independent technical review process, in which the town and the landfill jointly select the reviewers, should be done after the DEP review. • There should be a process to revisit host benefits for expansions. • Definition of “commercial facility” should be re-examined as to whether it applies to publicly-owned/commercially-operated facilities.

ADDITIONAL COMMENTS

- As these facilities provide disposal options for people around the state, the state and facility developers need to compensate those closest to the facility that bear the brunt of the operation’s impact to the benefit of the many.
- Policy needs to be clear about addressing public health issues, or perhaps the issue is enforcement of these standards.

- Is the state looking at what is the best place for disposal for these types of wastes (i.e. sludge)? Are we doing anything to reduce the generation/odor at the source? Technology is available to do this; it is feasible (treat sludge at the source to reduce odors)

CONSTRUCTION AND DEMOLITION DEBRIS

Issues	Solutions
There are no goals for the state or municipalities to move towards on this issue.	The state should establish a goal/rate for beneficial reuse of CDD and keeping it out of landfills (for wood, carpet, tiles, etc). This could be a challenge for landfills that don't separate CDD from MSW and couldn't quantify it.
Construction debris and demolition debris are different (processes, separation, contamination levels, etc), which isn't a problem now, but could be if recycling starts to be mandated.	If recycling is mandated, state policy should differentiate between construction and demolition debris, and treat them as two distinct subjects.
Information on where residents should take their CDD isn't reaching them.	Do better outreach and education.
EPA does not treat CDD as part of MSW for purposes of definitions, data tracking. We should use their model.	CDD needs to be redefined.
Incineration of CDD does not count towards recycling credit; other reuse does.	Reuse of CDD should be more creditable toward recycling.
Current "encouragements" to reuse/recycle this material include recycling credits for municipalities, public education, and lower costs to municipalities.	There should be stronger financial incentives to encourage reuse/recycling. This is the only type of incentive that works.
The 1998 State Waste Management Plan said the state needs to help create markets for this material. Has it done this? Is it working?	We need an analysis of what we're doing and whether it works.
Public has lack of trust that materials are clean or being managed properly	Need more communication, open-book policies. Definition of CDD in statute should be revised to indicate "no putrescible waste" and "no mixed loads".
General comments: <ul style="list-style-type: none"> • Reuse of CDD is good – decreases disposal needs, also brings revenue into the state. • It is a challenge to consider all the environmental and economic costs and benefits simultaneously to do a good reckoning of what is best. • Concern that large amounts of airspace at West Old Town will be used for the residual fraction of CDD. 	

<ul style="list-style-type: none"> • Currently, acceptance of CDD is revenue-neutral for municipalities, who would not want to see costs increase. • Cost of labor for separating CDD can be high. • Needs to be affordable. • Only mechanism to control Out of State CDD is through fees. 	
--	--

MATERIAL BANS

Issues	Solutions
The cost of material bans affects operational and personnel costs for municipalities.	Money from solid waste fees could go to municipalities. Regional facilities could reduce costs.
Yearly disposal opportunities are inadequate for the disposal of waste that people generate every day. This is a service problem.	HHW should be collected more than once a year.
Education of citizens is a huge challenge.	There needs to be public education on why materials are banned, and a push to encourage consumers to buy environmentally friendly products. Need to make it easier for homeowners to drop off products.
What is the state's overarching policy?	There needs to be clarity on how the state determines what materials are banned and how municipalities can anticipate the next material to be banned in order to prepare.
Universal waste rules for collection are overly restrictive and do not encourage these types of collection facilities.	State rules should encourage consolidated collection facilities.
Afraid of the trend of additional material banned every year. Municipalities cannot treat these materials as MSW, but are required to manage it. There is a split between authority/responsibility.	The State should take over the responsibility for managing banned materials. There is no cost to the state with the current system of simply banning materials from disposal. Is the state policy (of removing materials from being disposed) important enough for the state to pay for it?
Materials in the bans <i>were</i> considered and chosen carefully (for example, mercury content determines many of the universal wastes). The process on determining these materials was good.	
Regarding the statement in the assessment	

report that “Administrative costs to handle universal wastes are high – determining manufacturer, serial numbers, etc.” this has been addressed, as administrative costs to municipalities have been considered in the policy.	
This isn’t an unfunded mandate, because household hazardous waste programs are voluntary by municipalities (yet it is hard for municipalities to “just say no” for a variety of reasons).	
Mercury is still going into the waste stream, even though the policy is good.	
There are local/administrative problems with implementation of the policy.	
The general trend is toward increased recycling and attention to these issues, which is good.	
Material bans are “feel-good” approaches; they are not good public policy.	
Fees on products drive illicit disposal	

BENEFICIAL REUSE OF WASTE

Issues	Solutions
There is a significant lack of political will that has hindered beneficial reuse policies	The Governor and other major political players such as the head of the DEP should be promoting beneficial reuse through speeches and other outreach efforts.
Reuse is in the hierarchy, but it isn’t seen or supported as much as recycling is.	<ul style="list-style-type: none"> • State needs to take more leadership. • Provide tax credit to contractors for beneficial use of CDD. • Provide incentive for certain % of CDD on projects to be beneficially reused. • Ensure that any incentives or other policies don’t create “sham” programs that result in future clean-up stockpiles.
Too few markets for reused waste materials.	Agencies like DOT should buy products to create markets.
<p>The State’s beneficial reuse rules prevent the beneficial reuse of materials</p> <ul style="list-style-type: none"> ➤ Current rules prohibit it ➤ Proposed rules provide a small window, but essentially prohibit it ➤ Concern about pollutants ➤ Concern by municipalities that they 	At the state level, need to work out a balance between encouraging beneficial reuse on the one hand (i.e. policy); and preventing it on the other hand (i.e. regulation).

cannot meet the standards in the proposed rules ➤ Even if they burned clean wood chips from trees; could not meet the standards in the proposed rules ➤ Technology can handle this material and meet healthy standards	
Facility owners may not know the licensing requirements for BR for a range of products.	
Risk levels play a big part in BR decisions – what is technically and socially acceptable? This is a political challenge.	
Out of state waste is an issue in BR.	

RECYCLING

The following items were proposed by task force members in addition to the list that was handed out which compiled items from previous meetings:

Specific Methods:

- Require upfront deposits on more items (bottle bill model)
- Provide funding and/or technical support to initiate new programs – the funding acts as a catalyst for action and can then become self-sustaining.
- Provide incentives for businesses to recycle (like letting small businesses participate in residential curb-side pick up or business recognition programs)
- Keep seeking new sorting technology, perhaps by developing an R&D program to develop such technologies.
- Need more powerful market incentives to drive recycling
- Recycle Bank in Philadelphia is a new model. In Philadelphia, the rate of recycling jumped hugely when the Recycle Bank was established. In this program, there is curbside weighing of recycling, and households get credits or coupons based on the amount they recycle. It uses new technology to post individual credits online. This is an incentives program. They also have a pay-as-you-throw program. It may be starting in Maine in the next few years through Casella (recyclebank.com).
- Deposit fees could provide an incentive for separation and reuse/recycling. Where impose fee? Most programs currently impose it on the generator. Could provide benefits/credits to generator; look at programs like LEED.

Disposal Facilities:

- Concern: If you recycle more and your town waste goes to a regional landfill, your town may not be preserving airspace if it then gets used for other communities' or states' waste.
- Does increasing recycling necessarily mean increased out of state waste?

Education

- SPO/DEP/extension programs should educate the public – some believe they'll have to deal with EPA and have difficulty licensing composting systems.

Mandatory Recycling

- The state should encourage towns to adopt mandatory recycling (through incentives, grants, education).
- There should be state-mandated recycling (recognize constitutional issue).

Technical Assistance

- Connect individuals to opportunities to make money from recycling. Can the state help connect individuals with these markets?

Questions

- Concern: If recycling costs more and we have sufficient disposal capacity, then we shouldn't be promoting more recycling.
- Maine has the highest recycling rate in the nation. Yet we keep saying we're not doing well with recycling. We need an accurate presentation of how well we are doing.
- If recycling is more costly, how do you get over that barrier?

Other

- To increase recycling, residential participation which are typically 25% without incentives must increase. Possible techniques include education, incentives, and making recycling easier (single stream, which would require a single stream processing facility)
- Maine should set priorities for use of limited funds and select the highest impact areas for environmental improvement. Would we be better off investing in managing CDD or universal waste? A state financial goal would help focus investment and town actions.
- Consistency in public policy and a fair regulatory structure impacts long-term private capital investment in waste management facilities more than anything else. Maine needs a long-term regulatory process, rather than its current shot-gun approach.
- Do we let markets determine where investment should be made?
- How can we set state-level priorities relevant to different regions with different needs?
- Encourage "free sheds" at transfer stations and landfills.
- Ensure that Maine's measurements of recycling rates are compared to same materials as other states ("apples-to-apples").

A straw poll was done to identify the highest priority recycling solutions, by giving all task force members 4 sticky dots to place on the recycling approaches they want to see emphasized:

Recycling Solutions straw poll results:

22	Composting – food waste
20	Increase public education
11	Single Stream
11	Producer take-back
10	Pay as you throw
8	Apartment dwellers
6	Business
6	Provide more technical assistance
3	Recycling bank (weigh recycling at curb-side and give \$ or other credits to households)

2	Free sheds
1	Lower tip fees for higher recycling
0	Remove disincentives such as waste supply thresholds

PUBLIC EDUCATION

Issues	Solutions
Need more/consistent education, because it determines the success of household recycling, material bans, etc.	Create incentives for municipalities to run education campaigns.
There is enough information available.	There needs to be social marketing to encourage people to behave differently.
Some people still don't know what they should be doing	In these cases, there is still a need for information distribution.
Many messages about solid waste are distributed from divergent sources. A statewide campaign would be powerful.	Perhaps there should be a few coordinated, state-wide uniform message (that are distributed at the state, regional and local levels).
DEP/SPO and others are already spending lots of money and resources on education, and the DEP website has great resources	Local impacts need to be articulated for people to care about their impact.
	Consider targeting four different audiences about solid waste issues: facility operators/businesses, municipalities, schools/children, and the general public
The trainings offered for facilities operators are great. It makes a big difference to have professionals at transfer stations who can answer <i>what</i> should be done and <i>why</i> . 42% of the public get their information from the station attendant.	Continue to offer these trainings.
The general public doesn't understand the impact of solid waste disposal and the environment, as well as the impact of individual choices. It is important to inform people of the "true" cost of their choices.	SPO/DEP could work with the Department of Education to put environmental issues into the Maine Learning Results Standards. This is a huge opportunity. Show lifecycle assessments.
Sometimes it is hard to get media coverage.	Help prepare good visuals and stories for the media, make things exciting/important.
People don't always listen to experts.	Find local people who can be passionate advocates and do outreach
Sometimes people don't know how to help.	Create a website or newsletter with volunteer opportunities highlighted. Newsletters must have interesting information for people to get in the habit of reading them.
People sometimes forget what they know	Educational efforts need to be ongoing.

about recycling etc.	
Current education programs are disjointed.	Develop state-level priorities, with roles for each level of government regarding individual recycling and other subjects
There is a lack of materials on TV about solid waste issues.	State agencies could make programming that municipalities could show on local access TV.
	Team up with school service learning programs (which have money) to raise awareness about recycling, universal waste.
Public doesn't understand they need solid waste infrastructure.	Public needs to understand that solid waste infrastructure is necessary and unavoidable.
Some people don't use the web.	Use diverse media in outreach campaigns.
We have many messages.	Focus on priorities in choosing message, which can be powerful.
People don't compost enough.	Remember composting in education campaigns because it is easy for homeowners to do, could help mass burn incinerators, and it creates a product.

Suggested public education messages:

- Recycling – what materials can be recycled.
- Locations of regional HHW sites.
- Material bans – reasons for the bans.
- Composting – what it does and where to get backyard composters.

Suggested deliverers of messages:

- State
- Universities/Cooperative Extension

Funding sources for public education:

- Fund public education from tip fees.

REGIONAL APPROACHES AND PARTNERSHIPS

Issues	Solutions
Regional approaches may not always be the right solution	Need to do cost analyses before implementing projects.
Organizations and facilities are currently doing successful regional disposal and other efforts. Towns are more willing to work together now than ever before.	
There could be more regional recycling efforts	Create more regional recycling projects
Regional organizations are joining one another and growing, and the market	

incentives are already there due to cost reductions that occur when merging	
Solid waste management regions have worked well, and most successful household hazardous waste programs are regional.	
SPO currently favors regional applications for infrastructure grants over municipal ones	
Towns sometimes have difficulty working together. Host communities need protection from financial liability.	A neutral/third party could help towns in their efforts to collaborate.
	The state should encourage communities to work together (incentives, grants, education). Recapture regional efficiency grants.
It is unclear how to define a region; if many towns contract with a private contractor on solid waste, that is a region. Usually many haulers serve many towns	
Universal waste collection is ripe for regionalization.	

Other Issues

- Responses to the comments that were on the document: Bullet 1 – true, but states may treat it in similar ways, bullet 2 – inaccurate, bullet 3 – there are continual SPO improvements (back racking, verifying data from multiple sources, catching errors in municipal reports).
- Regarding item in assessment report that states: “Overweight trucks are having a negative impact on Maine roads and are causing the state to lose fuel tax revenues.” - this is true for all trucks, not just solid waste trucks.
- Solid waste facilities can play a role in helping with this problem (example given of one facility which imposes “penalties” on overweight trucks, by requiring them to wait before tipping and other measures).
- State police should review landfill records and wait outside facilities.
- Regarding item in assessment report that states “Waste-hauling trucks should not be exempt from air emission standards.” – is not accurate.
- There needs to be more guidance on MDW reports to SPO; we forget from year-to-year where we get our data and how we tabulate it.
- Concern about future tracking and paperwork.
- For public benefit determination; state should look more favorably on facilities that commit to reduce nuisances

Final comments on the Task Force’s process and content:

- A group of stakeholders should be convened more frequently to make recommendations.

- The general public may not understand the complexities of solid waste policy, so messages on this subject must be clear and concise.
- This diverse group worked well together.
- It would be nice to have an opportunity to see if the Task Force might have been able to come to consensus on some issues.
- The breakout groups worked well.
- The process allowed for an overview/broad-brush approach, but some issues need more time in order for the Task Force to be able to address their complexities.

Concluding Remarks

Members of the Task Force were asked to offer words of direction or encouragement or direction to SPO as SPO prepares the draft report, to share their final thoughts or the number one issue they want to convey. Sue Inches thanked all present for their hard work and for the many hours they spent on this project.

Next Steps

The State Planning Office will develop a document that lists the findings of this Task Force as well as recommendations for the Natural Resources Committee. A final meeting of this Task Force will be convened during the winter to give feedback on the findings and recommendations prior to their submission to the Committee.